

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD BUZZARD, JR. and WILLIAMS
KEISLING,

Plaintiffs,

v.

ISRB,

Defendant.

CASE NO. C14-0959-RSL-MAT

ORDER STRIKING MOTION FOR
INJUNCTIVE RELIEF

This is a civil action initiated by two plaintiffs, Ronald Buzzard and William Keisling, both of whom are Washington State prisoners and both of whom are currently incarcerated at the Stafford Creek Corrections Center in Aberdeen, Washington. Plaintiffs initiated this action in June 2014 with the filing of a motion for relief from judgment under Fed. R. Civ. P. 60(b). After reviewing plaintiffs' original submission, the undersigned concluded that the relief they were requesting was likely not available in this Court. The Court therefore issued an Order directing plaintiffs to show cause why this action should not be dismissed. (Dkt. 11.) Plaintiff Buzzard filed a response to the Order to Show Cause in which he argued that this action should be permitted to proceed under 42 U.S.C. § 1983. (Dkt. 12.)

After reviewing plaintiff Buzzard's response, this Court concluded that further development of the record should be permitted. Accordingly, on October 21, 2014, the Court issued an Order directing plaintiffs to submit for the Court's review a civil rights complaint

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1 under § 1983. (Dkt. 14.) Plaintiffs were advised in that Order that once such a pleading was
2 filed, the Court would review it to assess its sufficiency and would then issue any appropriate
3 orders. (*Id.*) Plaintiffs were also advised that because they are pursuing this action together,
4 both must sign each submission presented to the Court for filing. (*See id.*)

5 On October 23, 2014, the Court received from plaintiffs a motion for emergency
6 injunction, together with a number of supporting documents, in which they allege that they are
7 being retaliated against by defendant and/or DOC employees for exercising their constitutional
8 rights. (Dkt. 15.) Most of the documents submitted for review, including the motion itself and a
9 brief in support of the motion, bear only the signature of plaintiff Buzzard. (*See id.*) Thus, this
10 submission contains the same procedural defect as the plaintiffs' last submission.

11 While this defect alone would warrant rejection of plaintiffs' motion for injunctive relief,
12 the more significant defect at this juncture is that plaintiffs have yet to submit a viable pleading
13 in this action and, thus, it is uncertain at this time whether the action will even be permitted to
14 proceed beyond the pleading stage. Once plaintiffs have filed a viable pleading they may renew
15 their motion for injunctive relief should they determine that it is appropriate to do so.

16 Based on the foregoing, the Court hereby ORDERS as follows:

17 (1) Plaintiffs' motion for emergency injunction (Dkt. 15) is STRICKEN.

18 (2) The Clerk is directed to send copies of this Order to plaintiffs and to the
19 Honorable Robert S. Lasnik.

20 DATED this 30th day of October, 2014.

21 

22 Mary Alice Theiler
23 Chief United States Magistrate Judge